

ORDINANCE NO. 20210422-053

AN ORDINANCE AMENDING CITY CODE CHAPTER 4-2 (*ALARM PERMITS*) TO TRANSFER THE AUTHORITY FOR REGULATING ALARM PERMITS AND ALARM SYSTEMS FROM THE AUSTIN POLICE DEPARTMENT TO THE DEVELOPMENT SERVICES DEPARTMENT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Section 4-2-1 (*Definitions*) is amended to add a new subsection (6) and renumber the remaining subsections accordingly:

- (6) DIRECTOR means the Director of the Development Services Department or successor department.

PART 2. City Code Section 4-2-2 (*Policies and Procedures*) is amended to read as follows:

§ 4-2-2 POLICIES AND PROCEDURES.

The [~~police chief~~] director shall:

- (1) adopt policies and procedures to implement this chapter;
- (2) publish standards of operation for an alarm system; and
- (3) provide a copy of the standards to each permit holder.

PART 3. City Code Section 4-2-11 (*Permit Required*) is amended to read as follows:

§ 4-2-11 PERMIT REQUIRED.

- (A) A person shall obtain a permit issued by the [~~police chief~~] director before the person operates an alarm system.
- (B) A person must obtain a separate permit for each alarm site.
- (C) A permit holder shall:
 - (1) keep the alarm permit at the alarm site; and

- (2) produce the permit for inspection at the request of an employee of the ~~[Police Department]~~ Development Services Department.

PART 4. City Code Section 4-2-13 (*Permit Application and Renewal*) is amended to read as follows

§ 4-2-13 PERMIT APPLICATION AND RENEWAL.

- (A) A permit issued under this chapter is effective for 12 months from the date of issuance.
- (B) The ~~[police chief]~~ director shall issue a permit effective on the earlier of:
 - (1) the date the application is processed; or
 - (2) if the ~~[Police Department]~~ Development Services Department has responded to a false alarm notification at the alarm site subject to the application, the date of the first false alarm notification.
- (C) A permit issued under this chapter is non-transferable and non-refundable.

PART 5. City Code Section 4-2-15 (*Fees*) is amended to read as follows:

§ 4-2-15 FEES.

- (A) A permittee, including the holder of a master alarm permit, shall pay to the ~~[Police Department]~~ Development Services Department:
 - (1) the permit fee;
 - (2) a late payment fee, if the person fails to pay the permit fee by its due date; and
 - (3) other fees related to a permit, including a false alarm service fee assessed under Section 4-2-21 (*False Alarm Notification*).
- (B) The fees assessed under this section are established by separate ordinance.

PART 6. City Code Section 4-2-16 (*Grounds for Permit Denial*) is amended to read as follows:

§ 4-2-16 GROUNDS FOR PERMIT DENIAL.

The [~~police chief~~] director may deny an application for a permit if the applicant has:

- (1) made a false statement on the application;
- (2) made a false oral statement in connection with the application;
- (3) failed to pay a fee assessed under this chapter; or
- (4) had an alarm permit for an alarm site revoked and the violation resulting in the revocation remains uncorrected.

PART 7. City Code Section 4-2-17 (*Permit Revocation*) is amended to read as follows:

§ 4-2-17 PERMIT REVOCATION.

The [~~police chief~~] director shall revoke an alarm permit if the [~~police chief~~] director determines that:

- (1) an applicant has made:
 - (a) a false statement made on a permit application; or
 - (b) a false oral statement relating to a permit application; or
- (2) a permittee has:
 - (a) violated this chapter;
 - (b) failed to pay a fee assessed under this chapter; or
 - (c) failed to maintain the alarm system to minimize false alarm notifications and ensures proper operation of the alarm system.

PART 8. City Code Section 4-2-18 (*Reinstatement of Permit*) is amended to read as follows:

§ 4-2-18 REINSTATEMENT OF PERMIT.

The [~~police chief~~] director may reinstate a permit revoked under Section 4-2-17 (*Permit Revocation*) if the [~~police chief~~] director determines that the applicant:

- (1) has paid the fees required under Section 4-2-15 (*Fees*); and
- (2) operates the alarm system in accordance with this chapter.

PART 9. City Code Section 4-2-19 (*Appeal from Denial or Revocation*) is amended to read as follows:

§ 4-2-19 APPEAL FROM DENIAL OR REVOCATION.

- (A) If the [~~police chief~~] director denies an application or revokes a permit, the [~~police chief~~] director shall notify the applicant or permittee by certified mail, return receipt requested.
- (B) Not later than the 10th day after the affected person receives notice of an adverse action by the [~~police chief~~] director, the person may file a notice of appeal with the [~~police chief~~] director, including the reason for the appeal. Failure to file a timely appeal under this subsection results in the police chief's action becoming final.
- (C) If an applicant or permittee files a timely appeal under this section, the [~~police chief's~~] director's action is stayed.
- (D) The city manager shall appoint a hearing officer to hear the appeal. The formal rules of evidence do not apply at a hearing under this section. The hearing officer:
 - (1) shall make a decision based on the basis of a preponderance of the evidence presented;
 - (2) shall render a decision not later than the 60th day after an appeal is filed; and
 - (3) may affirm, reverse, or modify the action of the director.
- (E) The decision of the hearing officer is final.

PART 10. City Code Section 4-2-20(C) is amended to read as follows:

- (C) A permittee shall notify the [~~Police Department~~] Development Services Department, if the permittee relinquishes control of the alarm site and cancels the permit. If a permittee fails to notify the [~~Police Department~~] Development Services Department, under this section, the permittee shall pay fees associated with the permit, if any.

PART 11. Subsection (E) of City Code Section 4-2-21 (*False Alarm Notification*) is amended to read as follows:

(E) The [~~police chief~~] director may investigate and waive payment of a service fee assessed under this section.

PART 12. This ordinance takes effect on May 3, 2021.

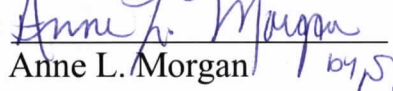
PASSED AND APPROVED

_____, April 22, 2021


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Steve Adler
Mayor

APPROVED: 

Anne L. Morgan
City Attorney

ATTEST: 

Jannette S. Goodall
City Clerk